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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,943	12/05/2001	Mario Noli	6023-143US (MI/X13874)	7784

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EXAMINER

KIM, PAUL D

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,943

Applicant(s)

NOLI, MARIO

Examiner

Paul D Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is a response to the amendment and restriction requirement filed on 11/22/2002.

Response to the Restriction Requirement

2. Applicant's election with traverse of Group I, claims 1-4, in Paper No. 8 is acknowledged. The traversal is on the ground(s) that Group I and II are related as a process of making and a product made. This is not found persuasive because Group II does not require a certain step, which is described in Group I such as the final overmolding step is preceded by a step where the sensor and the exposed length of the wires. Also, there is no connection between the thermoplastic material in line 4 and a covering material in line 6 in claim 5. It could be two separate elements covering the sensor and the exposed length of the wires. Also, these inventions, Group I and II, are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Also, these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore **made FINAL**.

3. Claims 5-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or

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linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

Specification ✓

4. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re. Claim 1: The limitation "which end with an exposed length" in lines 2-3 renders vague and indefinite. There is at least a pair of conductive wires insulated by sheaths in line 2. It is unclear as to which end of what is exposed. Is it only one end of wires or both ends of wires?

The limitation "the covering" in line 3, "the material" in line 5 and "said final overmolding step" in line 5 lacks antecedent basis.

The limitation “exposed length of wires” in line 4 renders vague and indefinite. It is unclear whether this exposed length of wires is the same in lines 2-3. If it is the same, then changing “exposed length of wires” to –the exposed length of wires—throughout the claims 1-4.

Re. Claim 2: The limitation “a covering material” in line 2 renders vague and indefinite. It is unclear whether this covering material is the same in lines 6-7 in claim 1.

The limitation “it” in line 4 renders vague and indefinite. It is unclear as to what this “it” is indicated.

The limitation “the end portion” in line 4 lacks antecedent basis.

The limitation “covering material” in line 5 renders vague and indefinite. It is unclear whether this covering material is the same in lines 6-7 in claim 1 or the covering material in line 2 of claim 2.

Re. Claim 3: The limitation “a covering material” in line 2 renders vague and indefinite. It is unclear whether this covering material is the same in lines 6-7 in claim 1.

The limitation “them” in line 4 renders vague and indefinite. It is unclear as to what this “them” is indicated.

The limitations “the mould” and “the injection” in line 4 lacks antecedent basis.

The limitation “its” in line 4 renders vague and indefinite. It is unclear as to what this “its” is indicated.

Re. Claim 4: The limitation “a covering tube” in line 2 renders vague and indefinite. It is unclear whether this covering material is the same in line 3 in claim 3.

The limitations “the latter” in line 2 lacks antecedent basis.

Re. Claims 2-4: Change "A method" in line 1 to –The method--.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 are, as best understood, rejected under 35 U.S.C. 102(b) as being anticipated by Imamura (US PAT. 4,590,669).

Imamura teaches a method of making a temperature sensor comprising steps of: connecting a pair of wires (6) of a cable (7) to a sensor (1); and overmolding the sensor and the exposed wires with an inorganic adhesive as shown in Fig. 1-5 (col. 3, line 16 to col. 4, line 26).

Re. Claim 2: According to Fig. 2, an outer sheath (24) is provided enclosing the sensor and the exposed wires.

Re. Claims 3 and 4: According to Fig. 4, a covering tube (23) is introduced enclosing the sensor and the exposed wires and a ramming treatment for a pressure welding.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuzuoka et al. (US PAT. 6,466,123), MccKenzie et al. (US PAT. 4,087,775), Masuo (US PAT. 4,995,980), Mochizuki (US PAT. 3,638,303), and

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Moriwake et al. (US PAT. 6,164,819) are cited to further show the state of the art with respect to method of manufacturing a temperature sensor.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 703-308-8356. The examiner can normally be reached on Tuesday-Friday between 7:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9835 for regular communications and 703-305-9835 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5648.

A handwritten signature in black ink, appearing to read 'PETER VO', with a long horizontal line extending to the right.

**PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**

pdk
January 22, 2003